

Article 3. Pre-Transport Requirements**§66262.30. Packaging.**

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall package the waste in accordance with the applicable Department of Transportation regulations on packaging under Title 49 CFR Parts 173, 178, and 179.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.30.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.31. Labeling.

Before transporting or offering hazardous waste for transportation off-site, a generator shall label each package in accordance with the applicable Department of Transportation regulations on hazardous materials under Title 49 CFR Part 172.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.31.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.32. Marking.

(a) Before transporting or offering hazardous waste for transportation off-site, a generator shall mark each package of hazardous waste in accordance with the applicable Department of Transportation regulations on hazardous materials under Title 49 CFR Part 172;

(b) Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall mark each container of 110 gallons or less used in such transportation with the following words and information displayed in accordance with the requirements of Title 49 CFR 172.304:

HAZARDOUS WASTE-State and Federal Law Prohibit Improper Disposal. If found, contact the nearest police or public safety authority, the U.S. Environmental Protection Agency or the California Department of Toxic Substances Control.

Generator's Name and Address_____.

Manifest Document Number_____.

NOTE: Authority cited: Sections 208, 25150, 25159, 25161 and 58012, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.32.

HISTORY

1. New section filed 5-28-91; operative 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect amending subsection (b) and Note filed 12—9—2003 pursuant to section 100, title 1, California Code of Regulations (Register 2003, No. 50).
3. Change without regulatory effect amending subsection (b) filed 6—7—2004 pursuant to section 100, title 1, California Code of Regulations (Register 2004, No. 24).

§66262.33. Placarding.

Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator shall ensure that the transport vehicle is correctly placarded according to Department of Transportation regulations for hazardous materials under Title 49 CFR Part 172, Subpart F.

NOTE: Authority cited: Sections 208, 25150, 25159 and 25161, Health and Safety Code. Reference: Sections 25159, 25159.5 and 25160, Health and Safety Code; 40 CFR Section 262.33.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66262.34. Accumulation Time.

(a) Except as provided in subsections (c) and (d) of this section and section 66262.35, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or grant of interim status, provided that:

(1)(A) the waste is placed in containers and the generator complies with the applicable requirements of articles 9, 27, 28 and 28.5 of chapter 15 of this division, or the waste is placed in tanks and the generator complies with articles 10, 27, 28, and 28.5 of chapter 15 of this division, except sections 66265.197(c) and 66265.200. In addition, such a generator is exempt from all the requirements in articles 7 and 8 of chapter 15 of this division, except for sections 66265.111 and 66265.114; or

(B) the waste is placed on drip pads and the generator complies with the applicable requirements of articles 17.5, 27, 28 and 28.5 of chapter 15 and maintains the following records at the facility:

1. a description of procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and

2. documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; and/or

(C) the waste is placed in containment buildings and the generator complies with article 29 of Chapter 15 of this division, has placed its professional engineer (PE) certification that the building complies with the design standards specified in 66265.1101 in the facility's operating record no later than 60 days after the date of initial operation of the unit. After February 18, 1993, PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

1. a written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

2. documentation that the unit is emptied at least once every 90 days; and

(2) the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; and

(3) the generator complies with the requirements of subsection (f) of this section; and

(4) the generator complies with the requirements for owners or operators in articles 3 and 4 of chapter 15 of this division and with section 66265.16, and with section 66268.7(a)(5).

(b) The beginning of the 90 day period specified in subsections (a) and (c) of this section is determined as follows:

(1) if the generator does not generate more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste (listed in section 66261.33(e)) or one kilogram of extremely hazardous waste during any calendar month, the 90 day period begins on the date the generator has accumulated 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste;

(2) if the generator generates more than 100 kilograms of hazardous waste or one kilogram of acutely hazardous waste or one kilogram of extremely hazardous waste during any calendar month, the 90-day period begins on the first date on which any amount of hazardous waste begins to accumulate during that month.

(c) A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of chapters 14 and 15 of this division and the permit requirements of chapter 20 of this division, unless the generator has been granted an extension to the 90-day period or meets the requirements of subsection (d) or (e) of this section. An extension may be granted pursuant to section 66262.35 if non-RCRA or RCRA exempt hazardous wastes must remain on-site for longer than 90 days. An extension may be granted by the Department if RCRA hazardous wastes must remain onsite for longer than 90 days due to unforeseeable, temporary, and uncontrollable circumstances. An extension of up to 30 days for RCRA hazardous waste may be granted at the discretion of the Department on a case-by-case basis.

(d) Notwithstanding subsections (a) and (c) of this section and section 66262.35, a generator of less than 1,000 kilograms of hazardous waste in any calendar month who accumulates hazardous waste onsite for 180 days or less, or 270 days or less if the generator transports the generator's own waste, or offers the generator's waste for transportation, over a distance of 200 miles or more, for offsite treatment, storage, or disposal, is not a storage facility if all of the following apply:

(1) The quantity of hazardous waste accumulated onsite never exceeds 6,000 kilograms.

(2) The generator complies with the requirements of subdivisions (d), (e) and (f) of section 262.34 of Title 40 of the Code of Federal Regulations.

(3) The generator does not hold acutely hazardous waste or extremely hazardous waste in an amount greater than one kilogram for more than 90 days.

(e)(1) A generator may accumulate as much as 55 gallons of hazardous waste, one quart of acutely hazardous waste (listed in section 66261.33(e)) or one quart of extremely hazardous waste at or near any point of generation, without a permit or grant of interim status, without complying with subsections (a), (b) and (c) of this section, if all of the following requirements are met with respect to this waste:

(A) the waste is accumulated in containers, other than tanks, at the initial accumulation point which is at or near the area where the waste is generated and which is under the control of the operator of the process generating the waste;

(B) the generator does not hold the waste onsite for more than one year from the initial date of accumulation, or for longer than the applicable accumulation period specified in subdivision (a) or (d), whichever occurs first. For purposes of this subdivision, the applicable accumulation period specified in subdivision (a) or (d) shall start on the date the quantity limitation specified in paragraph 1 of subsection (e) of this section is reached;

(C) the initial date of waste accumulation is clearly marked and visible for inspection on each container used for accumulation of hazardous waste;

(D) the generator complies with sections 66265.171, 66265.172, and 66265.173(a) of this division; and

(E) the generator complies with subsections (e)(2), (e)(3) and (f)(3) of this section.

(2) Except as provided in subsections (e)(2)(A) and (e)(2)(B) of this section, a process or group of processes meeting the requirements of subsection (e)(1) of this section, shall be subject to a single 55 gallon or one quart accumulation limit for that process or group of processes.

(A) If not all of the wastestreams generated by a single process or group of processes located within the same physical area are compatible, a separate 55 gallon or one quart limit shall apply to each group of wastestreams that are compatible.

(B) If the generator determines that using only one 55-gallon or one-quart container to initially accumulate specific compatible wastestreams is not practical (e.g., prevents recycling or requires unreasonable accumulation

procedures) or safe from an environmental or worker/public health and safety standpoint, the generator may use a separate 55-gallon or one-quart container for those specific compatible wastestreams. The generator's determination shall be subject to review and approval by the Department at any time.

(3) A generator who has accumulated an amount of hazardous waste, acutely hazardous waste or extremely hazardous waste equal to any applicable quantity limitation listed in subsection (e)(1) of this section at or near any point of generation shall, with respect to that waste, comply within three days with subsection (a) of this section and other applicable provisions of this division. During the three day period the generator shall continue to comply with subsection (e)(1) of this section. Within the three day period, the generator shall mark the container holding the hazardous waste with the date the applicable quantity limitation was reached.

(f) Generators who accumulate hazardous waste on site without a permit or grant of interim status shall comply with the following requirements:

(1) the date upon which each period of accumulation begins shall be clearly marked and visible for inspection on each container and portable tank;

(2) the date the applicable accumulation period specified in subsection (a) or (d) of this section begins, for purposes of subsections (a) and (b) of this section, shall be clearly marked and visible for inspection on each container and tank; and

(3) each container and tank used for onsite accumulation of hazardous waste shall be labeled or marked clearly with the words, "Hazardous Waste." Additionally, all containers and portable tanks shall be labeled with the following information:

(A) composition and physical state of the wastes;

(B) statement or statements which call attention to the particular hazardous properties of the waste (e.g., flammable, reactive, etc.);

(C) name and address of the person producing the waste.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25179.6 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25159, 25159.5, and 58012, Health and Safety Code; and 40 CFR Section 262.34.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Designation and amendment of subsection (a)(1)(A), new subsections (a)(1)(B)-(C) and amendment of Note filed 7-29-94; operative 8-29-94 (Register 94, No. 30).
3. Amendment of subsection (a)(1)(B)2, new subsections (a)(1)(C)-(C)ii, subsection redesignation and amendment of Note filed 10-24-94 as an emergency; operative 10-24-94 (Register 94, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-20-95 or emergency language will be repealed by operation of law on the following day.
4. Amendment of subsections (a)(1)(B)2., new subsections (a)(1)(C)-(C)ii, subsection redesignation and amendment of Note refiled 2-21-95 as an emergency; operative 2-21-95 (Register 95, No. 8). A Certificate of Compliance must be transmitted to OAL by 6-21-95 or emergency language will be repealed by operation of law on the following day.
5. Editorial correction adding History 4 (Register 95, No. 10).
6. Amendment of subsection (a)(1)(B)2., new subsections (a)(1)(C)-(C)ii, subsection relettering and amendment of Note refiled 6-19-95 as an emergency; operative 6-19-95 (Register 95, No. 25). A Certificate of Compliance must be transmitted to OAL by 10-17-95 or emergency language will be repealed by operation of law on the following day.
7. Amendment of subsection (a)(1)(B)2., new subsections (a)(1)(C)-(C)ii, subsection relettering and amendment of NOTE refiled 10-16-95 as an emergency; operative 10-16-95 (Register 95, No.42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
8. Change without regulatory effect amending subsection (a)(1)(B) filed 12-28-95 pursuant to section 100, title 1, California Code of Regulations (Register 95, No.52).
9. Certificate of Compliance as to 10-24-94 order including amendment of subsection (a)(1)(C) and new designation of subsections (a)(1)(C)(i)-(ii) to (a)(1)(C)1.-2., transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No.5).
10. Change without regulatory effect amending subsections (a) and (c), repealing subsections (d)-(d)(2) and adding new sections (d)-(d)(3), and amending subsections (e)(1)(B) and (f)(2) filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No.14).
11. Change without regulatory effect amending subsection (a)(1)(C) filed 2-3-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 6).
12. Change without regulatory effect redesignating former subsections(a)(1)(D), (a)(2) and (a)(3) as subsections (a)(2), (a)(3), and (a)(4), respectively, amending newly designated subsection (a)(4), and repealing former subsection (a)(4) filed 8-15-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 33).
13. Change without regulatory effect amending subsection (a)(4) filed 10-28-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 44).
14. Amendment of subsections (a), (c) and (d) filed 10-1-98; operative 10-31-98 (Register 98, No. 40).
15. Change without regulatory effect amending subsections (a)(1)(A)-(B) filed 8-3-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 31).
16. Change without regulatory effect amending subsection (a)(4) filed 9-11-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 37).
17. Change without regulatory effect amending subsections (a)(1)(A) and (c) filed 1—13—2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 2).

§66262.35. Extension(s) to Accumulation Time.

(a) A generator may accumulate non-RCRA or RCRA exempt hazardous waste for longer than the time periods specified in Section 66262.34(a) or (d) under the following conditions:

(1) if hazardous wastes must remain onsite for longer than the applicable time specified in section 66262.34(a) or (d) due to unforeseeable, temporary, and uncontrollable circumstances, a one-time extension of up to 90 days is automatically granted if all of the following conditions are met.

(A) The generator submits a letter, by certified mail with return receipt requested, to the Certified Unified Program Agency (CUPA) notifying the CUPA of the extension. If the generator is located in a jurisdiction with no CUPA, then the notification letter shall be submitted to the officer or agency authorized pursuant to subdivision (f) of Health and Safety Code Section 25404.3 to implement and enforce the requirements of Health and Safety Code Section 25404(c)(1). The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the applicable time specified in section 66262.34(a) or (d). In the letter the generator shall provide all of the following information:

1. A certification signed by the generator certifying that:
 - a. the eligibility requirements and the conditions for the extension are met; and
 - b. hazardous waste is not accumulated in waste piles; and
 - c. where hazardous waste is accumulated in tank systems, the generator complies with Title 22, CCR, chapter 15, article 10, sections 66265.190 through 66265.200, except 66265.197(c); and
 - d. where hazardous waste is accumulated in containers, the generator complies with Title 22, CCR, chapter 15, article 9, sections 66265.170 through 66265.177; and
 - e. where hazardous waste is accumulated on drip pads, the generator complies with Title 22, CCR, chapter 15, article 17.5 sections 66265.440 through 66265.445; and
 - f. where hazardous waste is accumulated in containment buildings, the generator complies with Title 22, CCR, chapter 15, article 29, sections 66265.1100 through 66265.1102; and
 - g. hazardous waste will be managed in accordance with all requirements of chapters 14 and 15 of this Division applicable to generators, except those specifically excluded elsewhere in this section.
2. Name, mailing address, and telephone number of the generator or the facility owner or operator.
3. Generator or the facility owner/operator name and address or legal description of the site location, and EPA ID number.

4. A detailed explanation of why the extension is needed. This shall include at a minimum: a description of the hazardous wastestream(s) for which the extension is being requested, the maximum quantity to be stored over the applicable time limits specified in Section 66262.34(a) or (d), an explanation of how the wastestream is generated, and the start and end dates of the 90 day extension period.

(B) All generators authorized by the Department with a permit, Standardized Permit, or grant of Interim Status shall simultaneously submit to the Department a copy of the letter submitted to the CUPA, or, if there is no CUPA, to the agency authorized pursuant to subdivision (f) of HSC Section 25404.3. The letter shall certify that the eligibility requirements and the conditions for the extension are met and that the hazardous waste will be managed in accordance with the applicable requirements of Title 22.

(C) Upon request by a CUPA, or the authorized officer or agency, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

(2) One or more 90-day extension(s) may be granted at the discretion of the CUPA, or if no CUPA then at the discretion of the authorized officer or agency in that jurisdiction, on a case-by-case basis if all of the following conditions are met:

(A) The generator submits a letter, by certified mail with return receipt requested, to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, requesting the extension. The letter shall be received by the CUPA or authorized officer or agency prior to the generator exceeding the accumulation time specified in Section 66262.34(a) or (d). In the letter the generator shall provide the information and certification listed in (a)(1)(A).

(B) The hazardous waste is not accumulated in waste piles.

(C) The generator meets one of the following circumstances:

1. There is a lack of offsite treatment capacity, offsite disposal capacity, or a treatment process for the generator=s hazardous waste. The generator must submit documentation to the CUPA, or if no CUPA then to the authorized officer or agency in that jurisdiction, verifying attempts to locate an appropriate offsite treatment or disposal facility for the hazardous waste and list the names, addresses, and phone numbers of all the disposal and or treatment facilities that have been contacted.

2. Longer accumulation time is needed by the generator to treat its hazardous waste onsite. The speculative accumulation of hazardous waste is not sufficient reason for an extension.

3. An extension is needed because the onsite cleanup activity requires longer accumulation time (e.g., delays in clean up due to weather conditions).

4. An extension is needed because there was an emergency (e.g., mechanical failure, fire, etc.) at the business.

5. Generators that have already qualified for one 90-day extension beyond the applicable time specified in Section 66262.34(a) or (d) under section (a)(1)(A) above, but still require more time due to unforeseeable, temporary, and uncontrollable circumstances.

6. Other good cause as determined by the CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction.

(D) Upon request by a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

(3) In the event of a disaster, the Department may grant an emergency waiver allowing a 90-day extension to the generators within the geographic location of the disaster if the following conditions are met:

(A) The hazardous waste must be accumulated in tank systems that comply with the technical standards of Title 22, CCR, chapter 15, article 10, or containers that comply with the technical standards of Title 22, CCR, chapter 15, article 9, or placed on drip pads and the generator complies with Title 22, CCR, chapter 15, article 17.5, or placed in containment buildings and the generator complies with article 29 of chapter 15 of Title 22, CCR. Hazardous waste accumulated in waste piles shall not be eligible for this extension.

(B) The emergency waiver shall only be activated when there has been a proclamation of a state of emergency by the federal, state, or local government for the geographic location (e.g., city or county).

(C) The Department shall issue a press release specifying which particular geographic location (e.g., city, county) will be granted an emergency waiver.

(D) The Department may further extend the effective period of the emergency waiver, as necessary, to assist the recovery process from the disaster. This extension shall also be announced through a press release.

(E) Upon request by the Department, a CUPA, or if no CUPA then by the authorized officer or agency in that jurisdiction, the generator shall provide all documents, operating logs, reports, or any other information that supports the claim of necessity for the extension or relates to the management of the hazardous waste for which the extension is requested.

NOTE: Authority cited: Sections 25150, 25159, 25159.5 and 58012, Health and Safety Code. Reference: Sections 25123.3, 25150, 25159, 25159.5 and 58012, Health and Safety Code.

HISTORY

1. New section filed 10-1-98; operative 10-31-98 (Register 98, No. 40).